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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN FRANCISCO DIVISION

17 CMG WORLDWIDE INC., an Indiana
18 corporation,

19 Plaintiff,

20 v.

21 MAXIMUM FAMILY GAMES, LLC
22 d/b/a MAXIMUM FAMES, a California
23 limited liability company; SLITHERINE
24 LIMITED; and DOES 2-10,

25 Defendants.

26 Case No. 3:14-cv-05124-JST

27 **STIPULATION FOR DISMISSAL AS TO
28 ALL CLAIMS AGAINST DEFENDANT
MAXIMUM FAMILY GAMES, LLC**

29 [FRCP 41]

1 Pursuant to Federal Rule of Civil Procedure 41(a)(2), plaintiff CMG WORLDWIDE INC.
2 (“Plaintiff”) and defendant MAXIMUM FAMILY GAMES, LLC d/b/a MAXIMUM GAMES
3 (“Maximum”), by and through their undersigned counsel, hereby stipulate to dismiss Plaintiff’s
4 claims for relief against Maximum with prejudice according to the following terms:

5 (a) Plaintiff and Maximum have entered into a settlement agreement resolving
6 Plaintiff’s claims against Maximum in this matter.

7 (b) This dismissal shall have no impact on and is not intended to dismiss defendant
8 Slitherine Limited (“Slitherine”) from this action.

9 (c) Maximum’s special motion to strike Plaintiff’s state law causes of action pursuant
10 to California Code of Civil Procedure section 425.16 and its motion to dismiss pursuant to Fed.
11 R. Civ. P. 12(b)(6), currently set to be heard on March 26, 2015, are moot.

12 (d) Plaintiff and Maximum respectfully request that this Court enter an Order
13 approving this Stipulation of Dismissal.

14 (e) Plaintiff and Maximum agree that this Court shall retain jurisdiction over this
15 action and over Plaintiff and Maximum to the extent necessary to enforce the terms of their
16 settlement agreement.

17 IT IS SO STIPULATED.

18 Dated: March 3, 2015

DONAHUE FITZGERALD LLP

20 By: /s/ Andrew S. MacKay
21 Andrew S. MacKay
22 Attorneys for Defendant
MAXIMUM FAMILY GAMES, LLC
d/b/a MAXIMUM GAMES

23 Dated: March 3, 2015

WINSTON & STRAWN LLP

25 By: /s/ Erin Ranahan
26 Erin Ranahan
27 Attorneys for Plaintiff
CMG WORLDWIDE INC.

1 Attestation Regarding Signature: This document is being filed electronically under my
2 ECF User ID and Password. Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in
3 this filing of this document has been obtained from the signatories to this document.

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5 /s/ Erin R. Ranahan
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[PROPOSED] ORDER

Having duly considered the above Stipulation of Dismissal of Plaintiff and Maximum, and the proceedings in this Action, the Court orders that the above Stipulation shall be entered. Accordingly, pursuant Federal Rule of Civil Procedure 41(a)(2), the Court hereby dismisses Plaintiff's claims against Maximum in this action with prejudice. The Court further orders that Maximum's special motion to strike Plaintiff's state law causes of action pursuant to California Code of Civil Procedure section 425.16 and its motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), currently set to be heard on March 26, 2015, are denied as moot. The Court further orders that this Court shall retain jurisdiction over this action and over Plaintiff and Maximum to the extent necessary to enforce the terms of their settlement agreement.

This Order shall have no impact on the proceedings involving defendant Slitherine Limited.

SO ORDERED.

Dated: March 5, 2015

